

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**KERRY L. BROWN,**

**Plaintiff,**

**v.**

**JAY MERCHANT,**

**No. 06-436-DRH**

**Defendant.**

**ORDER**

**HERNDON, Chief Judge:**

On June 6, 2006, Kerry L. Brown, an inmate at the Shawnee Correctional Center, filed a petition for writ of habeas corpus pursuant to **28 U.S.C. § 2254**, challenging his 2002 conviction in the Circuit Court, Jackson County, Illinois, for driving under the influence, for which he was sentenced to 200 days in the Jackson County Jail (with day-for-day credit) and 24 months probation. (Doc. 1, pp. 3-4; see also Doc. 18-2 and Doc. 18-7). Pursuant to **28 U.S.C. § 636(b)(1)(B) and (C)**, Magistrate Judge Clifford J. Proud submitted a Report and Recommendation (R&R) on February 2, 2009 (Doc. 31). The R&R recommends the Court dismiss Brown's Section 2254 petition for writ of habeas corpus (Doc. 1) with prejudice due to lack of jurisdiction, and deny his Motion to Grant Habeas Corpus (Doc. 29). The R&R was sent to the parties with a notice informing them of their right to appeal by way of filing "objections" within ten days of service of the Report. To date, neither party has filed objections, and the period in which to file objections has expired. Therefore, pursuant to **28 U.S.C. § 636(b)**, this Court need not

conduct de novo review. ***Thomas v. Arn*, 747 U.S. 140, 149-52 (1985).**

Accordingly, the Court **ADOPTS** the R&R in its entirety (Doc. 31). The Court **DENIES** Brown's petition for writ of habeas corpus (Doc. 1) and motion to grant habeas corpus (Doc. 29) and **DISMISSES with prejudice** this action due to lack of jurisdiction. Clerk to enter judgment accordingly.

**IT IS SO ORDERED.**

Signed this 1<sup>st</sup> day of March, 2009.

/s/ David R. Herndon

**Chief Judge  
United States District Court**